

REMARKS

Applicants have carefully considered the Office Action dated May 24, 2004 regarding the above-identified application, and the claim amendments above together with the remarks that follow are presented in a bona fide effort to respond thereto and address all issues raised in that Action. Independent claims 1, 6 and 7 have been similarly amended to distinguish over the art applied in the rejection, and several dependent claims have been amended to conform the language thereof to the revised independent claims. New claim 8 is presented, to pursue additional patentable subject matter. Claims 1-8 are pending and should all be in condition for allowance. Prompt favorable reconsideration is requested.

The Examiner rejected all of the original claims (1-7) under 35 U.S.C. § 103 over a proposed modification of U.S. patent no. 5,469,573 to McGill, III et al. (hereinafter the McGill patent). The rejection alleges that it would have been obvious to re-start the OS of McGill in a predetermined state, each time the system is re-started. Independent claims 1, 6 and 7 have been amended to more clearly distinguish over the McGill patent, and this rejection is traversed with respect to the amended claims.

It is respectfully submitted that the alleged modification of the teachings of the McGill patent would not satisfy all of the limitations of revised independent claims 1, 6 and 7. Each of these independent claims specifies a method step or a means for executing the first and second OSs simultaneously on a single computer system. The simultaneous execution includes using the copied files, that is to say the files copied to the non-volatile storage, to execute the second OS. Each independent claim also specifies storing data used for updating the copied files into the volatile storage without updating the files stored in the non-volatile storage, and re-starting the second OS using new copying of the files from the non-volatile storage onto the volatile storage, without using

the updated copied files. It is not seen where the McGill patent teaches these steps or functions, nor is it seen how the modification of McGill proposed in the rejection might produce such operational steps or functions.

For example, contrary to the analysis of McGill stated in the rejection, there appears to be no teaching in McGill that two operating systems are executed simultaneously in one computer system. The latest version of OS/2 booted at step 402 (Fig. 6) of McGill is either erased from the system or disabled at step 420, by the boot of the earlier version of OS/2. The two versions do not run simultaneously.

In McGill, when data used by the computer is backed-up to a storage medium, OS configuration information is stored in a transportable medium such as a floppy disk, so as to be distinguished from other data. When the OS is re-started with the back-up data, the re-started OS uses the configuration information in the transportable medium, to maintain or restore the old OS configuration. This technique of McGill fails to teach a protection scheme in which a file system for the second OS is copied from non-volatile storage to volatile storage, and updates to those files are entered in volatile storage but not the non-volatile storage, as in Applicants' independent claims. In the claimed technique, the re-start uses original files again copied from the non-volatile storage. As disclosed, this effectively prevents unnecessary writing of information to the file system in the non-volatile storage. McGill can not prevent unnecessary writing of information, because in McGill, the floppy disk can hold only the OS configuration from the time the information is written/stored to the floppy disk. In view of these distinctions, McGill does not fairly teach the subject matter of Applicants' revised independent claims, and pending claims 1-7 should patentably distinguish over McGill.

It is respectfully submitted that new claim 8 also is patentable over McGill. This new independent claim relates to a program for execution by a computer system. The claimed program includes two operating systems and a multi-operating system organizer. The first operating system uses a file system from non-volatile storage, whereas the second operating system uses a file system from volatile storage of the computer system. The multi-operating system organizer causes the computer system to execute the first operating system and the second operating system simultaneously. The multi-operating system organizer also provides inter-operating system communication between the first operating system and the second operating system. It is not seen where McGill discloses such a multi-operating system organizer nor how the allegedly obvious modification would result in programming having such a multi-operating system organizer.

Claim 8 also specifies that, at each start-up of the computer system, files are copied from the file system in the non-volatile storage to serve as the file system in the volatile storage for use during the execution of the second operating system. During execution of the second operating system, one or more files in the volatile storage are updated by the second operating system, but without updating files in the file system in the non-volatile storage. Since the files in the non-volatile storage are not updated, the next start-up (or re-start) will again involve copying the files from non-volatile storage (without updating), for use by the second operating system. It is respectfully submitted that such a file manipulation technique is not disclosed by McGill and would not have been obvious in view of the McGill patent.

For at least these reasons, new claim 8 also patentably distinguishes over the applied McGill patent.

It is respectfully submitted that pending claims 1-8 are all in condition for allowance. Accordingly, this case should now be ready to pass to issue; and Applicants respectfully request a prompt favorable reconsideration of this matter.

It is believed that this response addresses all issues raised in the May 24, 2004 Office Action. However, if any further issue should arise that may be addressed in an interview or an Examiner's amendment, it is requested that the Examiner telephone Applicants' representative at the number shown below.

To the extent necessary, if any, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Keith E. George", written in a cursive style.

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